

RESTRICTED

OGC Has Reviewed

Chief, Liaison Central Bureau

13 May 1953

Office of General Counsel

National Legislation Concerning Grounds for Deprivation of Nationality

1. In accordance with your request for legal guidance concerning the problems of dual citizenship, find listed below a summary of the pertinent provisions of the nationality laws of both France and the United States. Part B hereunder represents an analysis of these laws.

A. Summary of Pertinent Provisions of Nationality Laws

1. FRANCE (1945)

Art. 87: Acquisition of other nationality

Art. 96: Having dual nationality and living as if a national of the other State

Art. 97: Service in foreign army or public service and refusal to resign

Art. 98: Naturalized and

(1) Conviction of crime against security of the State

(2) Conviction of certain other crimes

(3) Non-compliance with Army Law

(4) Acts against France for the profit of a foreign State

(5) Conviction of a crime carrying with it a 4-year prison term or more

2. United States of America (1952) --(Mcarran Act, Public Law 404, 82nd Congress)

Sec. 340: a naturalized citizen may lose nationality for fraud in obtaining it, fraud being interpreted as including

(a) refusal, within 10 years, to testify before a Congressional Committee re subversive activities and conviction for contempt therefor

RESTRICTED

RESTRICTED

- (b) ...
- (c) becoming a member, within 5 years, of an organization which would have barred him from being naturalized
- (d) returning to native country within 5 years of naturalization for permanent residence

Sec. 349(a)

- (1) by obtaining naturalization elsewhere (or by naturalization of parent of child under 21, provided such child does not enter the United States for permanent residence before age 25)
- (2) taking oath to foreign State
- (3) entering or service in foreign army unless authorized
- (4) service of foreign government if have or acquire that other nationality or take an oath or allegiance
- (5) voting in foreign election
- (6-7) formal renunciation
- (8) desertion of armed forces in time of war
- (9) conviction of act of treason, attempting by force to overthrow, or bearing arms against the United States
- (10) departure from United States or remaining outside in wartime to avoid armed forces service

Sec. 350

one with dual nationality who seeks or claims the benefits of foreign nationality and resides in that other State for 3 continuous years after age 22 loses United States nationality unless

- (1) takes oath to United States
 - (2) has reason as in Sec. 353 or 354
- one who is naturalized loses United States nationality

Sec. 352(a)

- (1) residing 3 consecutive years in State of former nationality
- (2) residing 5 consecutive years in any other State

RESTRICTED

RESTRICTED

Sec. 351:

352(a) shall not apply if person is abroad:

- (1) employ of U.S. Government
- (2) abroad due to disability received in U.S. service
- (3) 60 years old and resided in U.S. 25 years after naturalization
- (4) temporarily has residence abroad solely or principally to represent a charitable corporation or an international agency with U.S. representation
- (5) prevented from returning because of ill health
- (6) abroad to study
- (7) spouse or child of American citizen meeting one of the requirements enumerated above
- (8) American national who lost nationality and has reacquired it
- (9) acquired nationality by an act of Congress or by treaty

Sec. 351:

Sec. 352(b) shall not apply if person served in:

- (1) a veteran of the Spanish American War, World War I or World War II
- (2) established to the satisfaction of Sec. State that his residence outside U. S. is for purpose of:
 - (a) commercial enterprise which will benefit American trade or commerce
 - (b) scientific research of benefit to the U. S.
 - (c) work of unique or unusual circumstances which will be directly and substantially of a benefit to U. S.
- (3) over 60 years of age and whose deceased spouse was a U. S. citizen

RESTRICTED

RESTRICTED

- (h) over 18 years of age and has resided outside the U. S. for less than 10 years and engaged in occupation of type outlined above.
- (i) was resident of U. S. 25 years subsequent to naturalization.

(B) Analysis

- (1) Loss through the voluntary act of acquiring another nationality

FRANCE

- (2) Loss through joining the army of another State at any time

FRANCE (without permission)

UNITED STATES (has or acquires another nationality)

- (3) Loss through receiving a commission, pension, title or honor from another State or joining its public service

FRANCE (only if notice to decline or end service is ignored)

UNITED STATES

- (4) Loss by a naturalized national residing abroad for a specific period (unless on Government service, etc. or maintaining contacts)

UNITED STATES

- (5) Loss by a national accepting double nationality

FRANCE

- (6) Deprivation because of fraud or mistake in naturalization

UNITED STATES

- (7) Deprivation for conviction of a serious crime within a specific number of years after naturalization

RESTRICTED

RESTRICTED

FRANCE

UNITED STATES

(8) Deprivation for Certain acts:

(a) Acts for the "Profit" of another state

FRANCE (naturalized)

(b) Non-compliance with military service laws

FRANCE (naturalized)

(c) Commission of specified crimes including
treason, sedition, and crimes against the
security of the state

FRANCE (naturalized)

UNITED STATES

(d) Desertion

UNITED STATES

(e) Voting in foreign elections

UNITED STATES

25X11A



Assistant General Counsel

RESTRICTED